

Applicant submits that the inventions of Groups I (claims 1-14, 29 and 30), and II (claims 15-28) overlap. The claims of Group I are directed to compositions comprising a polyurethane polyester polyquat compound and a vehicle suitable for topical application to hair, lips, skin and/or nails. Group II claims are directed to methods of imparting water-resistance, shine, gloss, surface smoothness, and/or film formation to hair, skin, lips and/or nails by applying to the hair, skin, lips and/or nails an effective amount of the composition of claim 1. Thus, in the interests of public policy and the economy for the Office and applicant, applicant submits that both groups be examined in this application.

✓ In response to the restriction requirement, applicant hereby elects (with traverse) the claims of Group I (claims 1-14, 29 and 30).

The Office Action further sets forth that claim 9 is generic to a plurality of disclosed patentably distinct species comprising a composition and further requires an election of a single disclosed species. Applicant submits that the "plurality of species" in claim 9 have commonality that does not warrant an election. Accordingly, claims 9 through 11 are elected with this species.

✓ Notwithstanding the foregoing, to comply fully with the election of species requirement, applicant elects (with traverse) to prosecute the hair conditioner "species".

The Office Action further sets forth that if applicant elects Group I, two additional elections of species are required. The Office Action states that claims 3-4 are generic to a plurality of

disclosed patentably distinct species comprising dosage forms and requires an election of a single disclosed species. Applicant submits that the "plurality of species" in claims 3-4 have commonality that does not warrant an election.

Notwithstanding the foregoing, to comply fully with the election of species requirement, applicant elects with traverse to prosecute the lotion "species" of claim 3, with claim 3 being the only elected claim of this species.

Finally, the Office Action sets forth that claim 8 is generic to a plurality of disclosed patentably distinct species comprising additional components and requires an election of a single disclosed species. Applicant submits that the "plurality of species" in claim 8 have commonality that does not warrant an election.

Notwithstanding the foregoing, to comply fully with the election of species requirement, applicant elects with traverse to prosecute the emulsifiers "species" of claim 8, with claim 8 being the only elected claim of this species.

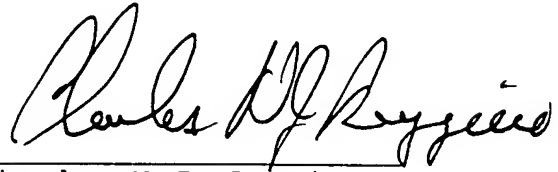
Applicant urges that all claims be considered in this application. Also, applicant submits that the claims of the present application are in condition for allowance and respectfully requests notice to this effect.

Serial No. 10/032,835

Art Unit 1617

April 19, 2002

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Charles N.J. Ruggiero".

Charles N.J. Ruggiero
Attorney for Applicant
Reg. No. 28,468
Ohlandt, Greeley, Ruggiero
& Perle, L.L.P.
One Landmark Square, 10th Floor
Stamford CT 06901-2682
Tel: 203-327-4500
Fax: 203-327-6401